COMMENTS

Claims 32-41 are now pending in the present application, Claim 1 having been canceled without prejudice or disclaimer, and new Claims 32-41 having been added. The claims set forth above include markings to show the changes made by way of the present amendment, deletions being in ~~strikeout~~ and additions being underlined.

In response to the Office Action mailed December 12, 2005, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Amendments To Specification Address Noted Informalities

The foregoing amendments to the specification correct the informalities noted by the Examiner. The amendments do not add new matter and overcome the Examiner's objection. Entry of the amendments is respectfully requested.

Claim 1 Is Not Anticipated By Bernier et al., Rheault et al., Or Iida et al.

Claim 1 stands rejected as being anticipated under 35 U.S.C. § 102(b) as being anticipated by Bernier et al. and under 35 U.S.C. § 102(e) as being anticipated by Rheault et al. and Iida et al. Applicant traverses the present rejection. However, in order to expedite prosecution of the present application, Claim 1 has been canceled without prejudice or disclaimer. Thus, the present rejection is moot. Applicant expressly reserves the right to further prosecute the original version of Claim 1 through continuation practice.

Claim 1 Does Not Violate The Judicially Created Doctrine Of Obviousness Double Patenting

Claim 1 stands rejected as violating the judicially created doctrine of obviousness-type double patenting. Applicant traverses the present rejection. However, in order to expedite prosecution of the present application, Applicant has canceled Claim 1 without prejudice or disclaimer. Thus, the present rejection is moot. Applicant expressly reserves the right to further prosecute the original version of Claim 1 through continuation practice.

New Claims 32-41 Are Allowable Over The Cited Prior Art

Applicant has added new Claims 32-41 which are fully supported by the present application. Thus, no new matter has been entered.

For the Examiner's convenience, Applicant respectfully directs the Examiner to page 19, paragraph no. 0068 which discloses an embodiment where the reference throttle openings are increased with increasing watercraft speeds. Additionally, Applicant would like to direct

the Examiner to paragraph 0066 (page 18) and paragraph 0070 (page 20) which disclose optional methods for determining the speed of the watercraft.

With regard to the outstanding rejections of Claim 1 as being anticipated by Bernier et al., Rheault et al., and Iida et al., Applicant wishes to point out that none of these references teach a system where the minimum position of the throttle valve is limited based on watercraft speed when the throttle lever is released by the operator.

In contrast, Claim 32 recites a "jet-propelled watercraft comprising a hull having an operator's area, an engine supported by the hull and having a throttle valve configured to meter a flow of air into the engine, the throttle valve being biased towards a closed position, a water jet propulsion device driven by the engine and configured to produce thrust for propelling the hull over water, a throttle lever disposed in the operator's area configured to control a position of the throttle valve, an actuator configured to define an adjustable limit for the movement of the throttle valve against the bias of the throttle valve towards the closed position, and a controller configured to control the actuator so as to move the limit away from the closed position of the throttle valve in proportion to a speed of the watercraft when the throttle lever is released by an operator."

Additionally, Claim 40 recites a "jet-propelled watercraft comprising a hull having an operator's area, an engine supported by the hull and having a throttle valve configured to meter a flow of air into the engine, the throttle valve being biased towards a closed position, a water jet propulsion device driven by the engine and configured to produce thrust for propelling the hull over water, a throttle lever disposed in the operator's area configured to control a position of the throttle valve, and means for limiting the movement of the throttle valve against the bias of the throttle valve towards the closed position and for moving the limit away from the closed position of the throttle valve in proportion to a speed of the watercraft when the throttle lever is released by an operator."

As noted above, the Bernier et al., Rheault et al., and Iida et al. references do not teach a system which changes the minimum opening of the throttle valve based on the speed of the watercraft when the lever is released by the operator. Thus, Applicant submits that Claims 32 and 40 clearly and nonobviously define over the references cited against Claim 1. Additionally, Applicant submits that Claims 33-39 and 41 also define over the cited references, not only because they depend from Claims 32 or 40, but also on their own merit.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 12, 2006   By
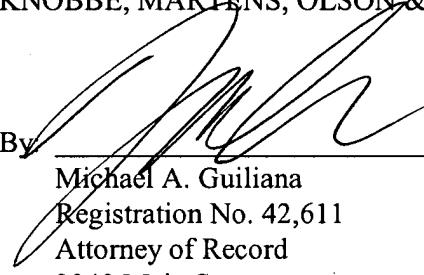
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